

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In The Matter Of:

NIAGARA AIRBUS, INC.,

Respondent

**Docket No. FMCSA-2010-0078¹
(Eastern Service Center)**

ORDER TERMINATING PROCEEDING AND CLOSING DOCKET

On December 18, 2009, the New York Division Administrator of the Federal Motor Carrier Safety Administration (FMCSA) issued a Notice of Claim (NOC) against Niagara Airbus, Inc. (Respondent). The NOC charged Respondent with seven violations of the Federal Motor Carrier Safety Regulations and proposed a civil penalty of \$13,680.

On May 13, 2010, the Acting Field Administrator for the FMCSA Eastern Service Center (Claimant) submitted a Notification of Settlement and Motion to Close Docket. Claimant and Respondent entered into a Settlement Agreement which resolves the matters at issue here. Under the Settlement Agreement, which was executed on April 30, 2010, and adopted as a Final Order,² Respondent agreed to pay the negotiated penalty of \$11,000 in two consecutive monthly installments. Paragraph 5 of the agreement provides that failure to comply with the payment plan may result in the loss of any reduction in civil penalties asserted in the NOC. I conclude that the settlement is in the public interest and it is accepted.³

¹ The prior case number was NY-2009-0689-US1149.

² Settlement Agreement, paragraph 7.

³ See 49 CFR 386.22(c).

THEREFORE, *It Is Hereby Ordered*, the Settlement Agreement is the Final Order in this matter, the proceeding is terminated, and the docket is closed.



Rose A. McMurray
Assistant Administrator
Federal Motor Carrier Safety Administration

5-21-10

Date

CERTIFICATE OF SERVICE

This is to certify that on this 24 day of May, 2010, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Paul Mountain, Vice President
Niagara Airbus, Inc.
8626 Lundy's Lane
Niagara falls, ON L2H 1H4 CD

One Copy
U.S. Mail

Anthony G. Lardieri, Esq.
Trial Attorney
Office of Chief Counsel (MC-CCE)
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

One Copy
U.S. Mail

Loretta Bitner, Acting Field Administrator
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

One Copy
U.S. Mail

Brian K. Temperine
New York Division Administrator
Federal Motor Carrier Safety Administration
Leo W. O'Brien Federal Building, Room 815
Clinton Avenue & N. Pearl Street
Albany, NY 12207

One Copy
U.S. Mail

Docket Operations
U.S. Department of Transportation
1200 New Jersey Avenue SE
Room W12-140
Washington, DC 20590

Original
Personal Delivery


